

IDAHO GROUND WATER PROTECTION INTERAGENCY COOPERATIVE AGREEMENT

I. PARTIES TO THE AGREEMENT

This agreement is made between the Idaho Division of Environmental Quality (DEQ), the Idaho Department of Water Resources (IDWR), and the Idaho Department of Agriculture (IDA).

A summary of existing DEQ, IDWR, and IDA agency authorities relative to ground water quality protection and this agreement is provided in Appendix A. This agreement is not intended to change any of Appendix A authorities.

II. PURPOSE

The purpose of this agreement is to facilitate cooperative ground water programs within DEQ, IDWR, and IDA. Implementation language is included in this agreement to address ground water protection in a unified manner which will: 1) coordinate activities of agency personnel and available resources; 2) accomplish efficient and effective transfer of information; 3) provide direction for specific ground water protection project and program tasks; and 4) provide for implementation of the Idaho Ground Water Quality Plan and other ground water programs.

III. AGREEMENT

The parties to this agreement commit to the following activities:

A. MONITORING

1. The parties will prepare an annual proposal which will address the funding of regional/local ground water quality monitoring activities. This proposal will be presented by the parties at the quarterly agency meetings which are directed under Title 42, Chapter 18, Idaho Code.
2. The parties will conduct ground water quality monitoring and data gathering activities in a manner consistent with the Ground Water Quality Plan.
3. The parties will ensure that laboratory results are distributed to interested parties in a timely manner.

4. A Monitoring Technical Committee will be established. DEQ will chair the committee and initial membership will include DEQ, IDWR, and IDA. Other parties will be invited to participate as members of this committee. The committee will meet as necessary to ensure that its responsibilities are properly addressed. Committee responsibilities include the following:
 - a) Fulfill the roles outlined in the Agricultural Ground Water Quality Protection Program portion of the Ground Water Quality Plan.
 - b) Review annual work plans for statewide ambient, regional and local monitoring activities, with emphasis placed on follow-up monitoring. To assist in this effort, the committee will identify ongoing and planned ground water monitoring projects and programs at the Federal, State, and Local levels.
 - c) Coordinate and, where appropriate, consolidate monitoring activities (including use of staff time and equipment).
 - d) Review, recommend, and maintain QA/QC prototype plans to be used for regional, local, and other applicable monitoring activities.
 - e) Develop procedures for responding to contaminant detections from other information sources.
 - f) Review reports of statewide, regional, local and other monitoring results.
 - g) Develop recommended approaches for providing informational assistance for individual well owners who have contaminants in their drinking water.
 - h) Coordinate with the Statewide Ambient Trend Monitoring Committee.
 - i) Develop technical recommendations to support agency funding proposals for ground water quality monitoring activities as identified in A-1 above.

B. DATA MANAGEMENT

1. The Environmental Data Management System (EDMS) will be promoted as the state's data management system for housing past, present, and future ground water quality data. All data that reside in EDMS will be accessible to the public in a manner consistent with the requirements of the Idaho Public Records Act.

The parties will do the following to achieve the above goals:

- a. Routinely submit ground water quality data to EDMS. All contributors will maintain custodianship and stewardship of data provided. Where there are enforcement and confidentiality concerns, each agency may determine that specific data is not appropriate for transfer into EDMS based on Attorney General's Office review.
 - b. Establish a primary contact person in each of the three agencies. The primary contact person will be responsible for identifying and facilitating the transfer of data to and from EDMS, and will become the resident expert for EDMS.
 - c. Develop procedures and a schedule for converting electronic or hard-copy water quality data in agency files to an electronic format compatible with the appropriate EDMS load module.
 - d. Develop interlinked networks that will improve the ability to cooperatively transfer and share data and information. The goal will be to make these links as seamless and transparent as practical.
 - e. Explore opportunities to provide fiscal support for EDMS.
2. The parties will exchange GIS coverage information. Coverages will be made available through associated links as appropriate.

C. EDUCATION

1. The parties will share information related to ongoing educational projects and programs, and coordinate such projects and programs to improve efficiency, ensure consistency, and avoid duplication of effort.
2. The parties will prepare multi-party proposals for ground water quality education.
3. The parties will share fiscal responsibilities to conduct coordinated educational programs.

D. RESOURCE COORDINATION

The parties to this agreement will work cooperatively to define and prioritize the ground water resource needs of the state by coordinating project funding from outside sources. Examples include: Clean Water Act Sections 319 and 104, potential EPA discretionary funds, High-Performance Computing grants from EPA or DOE, as well as local and private funding sources.

E. VULNERABILITY

1. The parties will coordinate and solicit input from each other when developing ground water susceptibility/vulnerability projects and related GIS data layers. DEQ will serve as the lead agency regarding ground water susceptibility and vulnerability.
2. Before defining/delineating areas based on vulnerability, the party defining or delineating the area will solicit input from the other parties.
3. The parties will develop comprehensive strategies, recommendations, policies, plans, and tools relative to land use activities in vulnerable and/or susceptible areas. These efforts will be in cooperation with appropriate local governments.

F. GROUND WATER BEST MANAGEMENT PRACTICES (BMPs)

1. For those programs which the parties have jurisdiction over ground water BMPs, the parties agree to keep each other apprised of any significant new ground water BMP developments or significant BMP modifications.
2. The parties agree to work with other managing agencies which have jurisdiction over BMPs to ensure they adequately protect ground water quality. This will include regular updates at agency quarterly meetings.
3. The parties will cooperate with any efforts to develop or maintain copies and summary information pertaining to available ground water BMPs.
4. The parties agree to participate in and support the activities of the Agricultural BMP Technical Committee and the Agricultural BMP Effectiveness Subcommittee as described in the Ground Water Quality Protection Plan for the State of Idaho (Agricultural Appendix). This support shall consist of:
 - (a) participation in the development and improvement of agricultural component practices;
 - (b) participation in the quantifiable performance evaluations of agricultural BMP implementations, the adoption or rejection of component practices, and to identify sources for BMP cost sharing and incentives.
5. The parties agree to participate in the Agricultural Coordination Committee in order to utilize information developed under Number 4 above, along with any additional pertinent information, for implementation of the agricultural BMP Feedback Loop.

G. REGULATIONS/RULES/STANDARDS

1. The party initiating a rule change or modification to the rules referenced in Appendix A will notify and provide an opportunity for the other parties to meet and provide comments at an early stage of draft development.
2. The party developing a new rule pertaining to or potentially impacting ground water quality will notify and provide an opportunity for the other parties to meet and provide comments at an early stage of draft development.

H. SPECIAL STUDIES/EVALUATIONS

Where appropriate, the parties will engage in cooperative studies or evaluations, using staff resources from all three agencies (or outside agencies) to prepare special reports requested by 1) the governor, 2) the legislature, or 3) agency directors.

I. PLANNING

1. Each party shall develop their strategic plans to recognize and to take into account the proposed plans and actions of the other parties. The parties will focus on both the long-term (2 to 5 years) as well as the shorter term (1-2 years) aspects of planning.
2. The parties agree to coordinate ground water related basin or watershed planning activities. Planning activities shall be consistent with the State Water Plan and the Ground Water Quality Plan.

J. MEETINGS

1. The parties agree to hold scheduled quarterly meetings between agency management personnel to assist with cooperative agreement implementation. These meetings are not the meetings required by 42-1805 (5)(a), but are instead seen as implementation meetings based in part on the director/administrator meeting results. DEQ will be responsible for ensuring that these meetings are held once every three months and for preparing an agenda based on input from IDWR, IDA, and DEQ. Additional contributing personnel such as representatives from other agencies or interest groups shall be invited to these meetings when agenda items address areas where they have significant responsibility, involvement or interest.

The above meetings will address:

- a) Cooperative Agreement issues
 - b) Additional strategies and goals for implementing the Idaho Ground Water Quality Plan
 - c) Work items generated from DEQ/IDWR quarterly coordination meetings
 - d) Other items as necessary
2. Additional meetings between project/program personnel and/or management are to be routinely held as needed to ensure adequate implementation of this Cooperative Agreement. Minutes or summaries of significant meetings are to be distributed to the appropriate agency management representatives.

K. PROGRAM COORDINATION

1. The parties agree to coordinate ground water related programs, especially those pertaining to permit and approval activities, to provide a consistent and effective approach to protecting the state's ground water, avoid duplication of efforts, reduce the potential for ground water contamination, and ensure that existing and projected future beneficial uses of ground water and interconnected surface waters are identified and protected. This will include continued interaction among the below listed programs where such interaction has been established, identifying areas where increased or improved interaction among these programs would be desirable, and pursuing methods to obtain increased or improved interaction among such programs:
- a) DEQ wastewater land application program
 - b) DEQ Drinking Water Program
 - c) DEQ subsurface sewage plan and specification approvals
 - d) DEQ landfill site approval related activities
 - e) DEQ Wellhead Protection Program
 - f) DEQ wastewater treatment plans and specification reviews and approvals (e.g. Confined Animal Feed Operations, aquiculture and municipal facilities)
 - g) DEQ Ore Processing by Cyanidation permitting
 - h) DEQ Underground Storage Tank and Leaking Underground Storage Tank program activities
 - i) DEQ ground water related remediation efforts
 - j) DEQ Pollution Prevention Program
 - k) DEQ RCRA implementation
 - l) DEQ Nonpoint Source Management Program (319 Program)
 - m) DEQ State Agricultural Water Quality Protection Program responsibilities
 - n) DEQ Agricultural Pollution Abatement Plan
 - o) IDWR stream alteration permitting
 - p) IDWR well driller licensing, well construction and operation permitting, and well driller report inventory efforts

- q) IDWR well abandonment regulatory oversight
 - r) IDWR Underground Injection Well permitting and inventory efforts
 - s) IDWR ground water recharge permitting
 - t) IDWR water appropriation and water right regulation
 - u) IDA fertilizer regulatory oversight
 - v) IDA dairy inspection, approval, and permitting activities
 - w) IDA pesticide regulatory oversight, including development and implementation of the State Management Plan for pesticides.
 - x) IDA commercial fish hatchery permitting
 - y) IDA chemigation regulatory oversight
2. The attached appendix B, which is part of this Interagency Cooperative Agreement, includes specific language to help implement program coordination efforts.

J. MANAGEMENT OF COMPLAINTS

1. A letter of complaint received by any of the parties, which pertains to a responsibility of one of the other parties, shall be forwarded to the responsible party by fax, e-mail and/or regular mail.
2. Any of the parties receiving a telephone complaint or request pertaining to responsibility of one of the other parties will refer the caller to the responsible party.
 - a. The party receiving the call may take the complaint information and forward it to the responsible agency by fax, e-mail or in writing. Information forwarded will include date and time of the complaint and other pertinent information.
 - b. When requested, the responsible party will inform the party that received the initial call of a particular action taken.
3. In referring a complaint or information request, the party initially contacted will not commit the responsible party to a particular action.

V. AGREEMENT ADDITIONS

Program managers, with the approval of the Director of the Idaho Department of Agriculture, Administrator of the Idaho Division of Environmental Quality, and Director of the Idaho Department of Water Resources, may develop additional agreement items or implementation details to be added to the text of this document or as an appendix.

VI. SIGNATORY PARTIES

State agencies may enter into interagency cooperative agreements under authority of Title 67, Chapter 23, Idaho Code.

Wallace N. Cory /s/
Wallace N. Cory, P.E., Administrator
Division of Environmental Quality

5/31/1996
Date

Karl J. Dreher /s/
Karl J. Dreher, P.E., Director
Idaho Department of Water Resources

May 30, 1996
Date

Patrick A. Takasugi /s/
Patrick A. Takasugi, Director
Idaho Department of Agriculture

June 28, 1996
Date

APPENDIX A: AGENCY AUTHORITIES

IDAHO GROUND WATER PROTECTION INTERAGENCY COOPERATIVE AGREEMENT

I. DIVISION OF ENVIRONMENTAL QUALITY (DEQ)

The DEQ, under the Environmental Protection and Health Act (EPHA) is responsible for, “the general supervision of the promotion and protection of the life, health, mental health and environment of the people of the state” (Title 39, Chapter 1, Idaho Code). This includes the authority to formulate and recommend rules to the Board of Health and Welfare as necessary, issue licenses and permits, conduct inspections and investigations, and initiate enforcement actions as prescribed by law and rules and regulations in protection of the environment, including ground water.

The Ground Water Quality Protection Act specifies additional authorities of DEQ directly related to the protection of ground water quality including: “DEQ is designated as the primary agency to coordinate and administer ground water quality protection programs for the state” and “DEQ has the responsibility for collecting and monitoring data for water quality management purposes” (Title 39, Chapter 1, Idaho Code).

DEQ is the lead state agency for the development and implementation of a State Wellhead Protection Program under the Federal Safe Drinking Water Act and as designated by the governor of Idaho.

Specific authorities related to ground water protection are granted through the following sections of Idaho Code and implementing rules:

- A. Title 39, Chapter 1, Idaho Code and IDAPA 16, Title 01, Chapter 02 give DEQ authority for general ground water protection, review of plans for wastewater treatment facilities, sludge usage, and the regulation of petroleum storage tank releases.
- B. Title 39, Chapter 1, Idaho Code and IDAPA 16, Title 01, Chapter 03, give DEQ authority to regulate on-site sewage disposal systems.
- C. Title 39, Chapters 44 and 58, Idaho Code and IDAPA 16, Title 01, Chapter 5 give DEQ authority to regulate hazardous wastes.
- D. Title 39, Chapters 1, 65 and 74, Idaho Code and IDAPA 16, Title 01, Chapter 6 give DEQ authority to regulate solid wastes.

- E. Title 37, Chapter 21, Idaho Code; Title 39, Chapter 1, Idaho Code and IDAPA 16, Title 01, Chapter 08 give DEQ authority to regulate public drinking water systems.
- F. Title 39, Chapter 1, Idaho Code and IDAPA 16, Title 01, Chapter 13 give DEQ authority to regulate ore processing by cyanidation.
- G. Title 39, Chapter 1, Idaho Code and IDAPA 16, Title 01, Chapter 17 give DEQ permitting authority over land application of wastewater.

II. IDAHO DEPARTMENT OF AGRICULTURE (IDA)

The IDA has authority for, “regulating the use of pesticides and fertilizers and for licensing applicators,” relating to ground water protection under the Ground Water Quality Protection Act, Title 39, Chapter 1, Idaho Code.

IDA is the lead agency and has primacy for the implementation and enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in the state. This includes lead agency role over the development and implementation of the State Management Plan (SMP) for pesticides.

Under the Idaho Dairy Pollution Prevention Initiative Memorandum of Understanding, IDA is responsible for dairy inspections which include an evaluation of waste collection, treatment, handling, disposal, and management procedures. Under this same Dairy MOU; and Title 37, Chapter 4, Idaho Code; and IDAPA 02, Title 04, Chapter 14 IDA is also responsible for approval of the design, construction, and location of dairy waste management systems. The Dairy MOU is effective until 10/04/2000 and may be renewed.

Specific authorities related to ground water quality protection are granted through the following sections of Idaho Code and implementing rules:

- A. Title 22, Chapter 6, Idaho Code and IDAPA 02, Title 03, Chapter 02, give IDA authority to register all fertilizers used within the state and authority over the use, handling, transportation, storage, distribution and disposal of fertilizers and their containers.
- B. Title 22, Chapter 34, Idaho Code and IDAPA 02, Title 03, Chapter 03, give IDA authority to register all pesticides used within the state; authority over the use, handling, transportation, storage, distribution and disposal of pesticides and their containers; and authority to license applicators of such pesticides.

- C. Title 22, Chapter 14, Idaho Code and IDAPA 02, Title 03, Chapter 04, give IDA authority to regulate irrigation systems which are utilized for the application of agricultural chemicals and fertilizers.
- D. Title 22, Chapter 46, Idaho Code gives IDA the authority to require and issue operating permits for commercial fish hatcheries.
- E. Title 37, Chapters 3 and 4 Idaho Code, and IDAPA 02 Title 04 Chapters 04-14 give IDA the authority to require and issue permits to dairies to sell milk for human consumption. Section 39-118, Idaho Code transfers the dairy waste construction approval process from DEQ to IDA.

III. IDAHO DEPARTMENT OF WATER RESOURCES (IDWR)

The IDWR director is empowered under Title 42, Chapter 2, Idaho Code to conduct administration and enforcement “in the effectuation of the policy of the state to conserve its ground water resources” and to regulate ground water development activities “to protect the ground water resources against waste or contamination.” The director of IDWR is given the responsibility “to conduct investigations, surveys and studies relative to the extent, nature and location of the ground water resources of the state”. Title 42, Chapter 18, Idaho Code states that “In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:.....2) To prepare a present and continuing inventory of the water resources of this state, ascertain means and methods of conserving and augmenting these.....3) To conduct surveys, tests, investigations, research, examinations, studies, and estimate costs relating to availability of unappropriated water, effective use of existing supply, conservation, storage, distribution and use of water. 4) To prepare and compile information and data obtained and to make the same available to interested individuals or agencies.5) To cooperate with and coordinate activities with the administrator of the division of environmental protection of the Department of Health and Welfare as such activities relate to the functions of either or both departments concerning water quality. Such cooperation and coordination shall specifically require that: a) The director meet at least quarterly with the administrator and his staff to discuss water quality programs. A copy of the minutes of such meeting shall be transmitted to the governor. b) The director transmit to the administrator, reports and information prepared by him pertaining to water quality programs, and proposed rules and regulations pertaining to water quality programs. c) The director shall make available to the administrator and the administrator shall make available to the director all notices of hearings relating to the promulgation of rules and regulations relating to water quality, waste discharge permits, and stream channel alteration, as such directly affect water quality, and notices of any other hearings and meetings which relate to water quality.”

Further, the Ground Water Quality Protection Act, Title 39, Chapter 1, Idaho Code states that IDWR has the, “responsibility to maintain the natural resource geographic information system for the state and is the collector of baseline data for the states water resources,” Additionally, the Idaho Ground Water Quality Plan, adopted by the legislature in 1992, has specific policies, rationales, and implementation items that now have the force of law, which items are the basis for many IDWR priorities and action items below.

Specific authorities related to ground water quality protection are granted through the following Sections of Idaho Code and implementing rules:

- A. Title 42, Chapter 2, Idaho Code and IDAPA 37, Title 03, Chapter 09 give IDWR authority to regulate the construction of wells, including Low Temperature Geothermal wells.
- B. Title 42, Chapter 2, Idaho Code and IDAPA 37, Title 03, Chapter 10 give IDWR authority to require licensing of well drillers within the state and the collection of well driller reports.
- C. Title 42, Chapter 2, Idaho Code and IDAPA 37, Title 03, Chapter 11 give IDWR authority to appropriate through permits the rights to beneficial uses of waters of the state.
- D. Title 42, Chapter 16, Idaho Code give IDWR authority to regulate the construction and operations of artesian wells.
- E. Title 42, Chapter 39, Idaho Code and IDAPA 37, Title 03, Chapter 3 give IDWR authority to regulate the disposal of wastewater through injection wells.
- F. Title 42, Chapter 42, Idaho Code gives IDWR authority to permit ground water recharge projects in accordance with Title 42, Chapter 2.

APPENDIX B: PROGRAM COORDINATION

**IDAHO GROUND WATER PROTECTION
INTERAGENCY COOPERATIVE AGREEMENT**

I. IDWR Underground Injection Program/ DEQ Stormwater Program

- A. DEQ will develop an Idaho Stormwater Pollution Prevention Plan that provides an overall direction for the management of storm water at both the site and watershed level. Guidance will be prepared and updated by DEQ and IDWR to support implementation of the Plan. IDWR will assist in this effort by providing information and direction relative to shallow injection wells. Any portion of the guidelines addressing shallow injection wells must be approved by IDWR prior to completion.
- B. DEQ and IDWR will work together on the development of fact sheets and brochures pertaining to stormwater issues.
- C. Any contacts with local governments will be made in a coordinated manner between the two agencies.

II. IDWR Well Construction Program/ DEQ & IDA Programs

- A. Upon requests by IDWR, IDA and DEQ Central Office will provide training and technical assistance to well drillers when IDWR holds training sessions around the state.
- B. IDWR will develop a publication describing conditions of drilling permit authority. This publication will describe issues shared by the parties and will be provided to those securing permits.
- C. IDWR will receive a copy of DEQ's completed and approved well siting checklist prior to issuing a well driller's permit for a public water system well.

III. DEQ & IDA Programs/IDWR Underground Injection Well, Well Abandonment, and Water Appropriation

- A. DEQ and IDA will notify IDWR of monitoring wells and injection wells which are constructed under DEQ and IDA programs, such as the construction and use of injection wells under Corrective Action Plans. They will also refer the parties involved to IDWR when any of these wells are abandoned to ensure that abandonment is completed in compliance with IDWR rules.
- B. DEQ and IDA will notify IDWR of the following items discovered through inspections, studies, and other program or project related implementation activities:
 - 1) injection wells which may not be registered or permitted;
 - 2) injection wells that may be improperly used;
 - 3) any wells that appear to be improperly or poorly constructed; and
 - 4) wells which appear to be improperly abandoned and/or create unsafe conditions.

IDWR will provide guidance to DEQ and IDA to help achieve the above items.

- C. IDWR will notify DEQ and/or IDA of improperly used injection wells if potential RCRA, pesticide, or other similar issues exist.
- D. IDA and DEQ will notify IDWR of new dairies or confined feeding operations identified through plan and specification review activities, and IDA and DEQ will notify IDWR of any potential water appropriation issues discovered during inspection or similar activities. IDWR will provide guidance, as necessary, to DEQ and IDA to help achieve these goals.

IV. DEQ Wellhead Protection Program/IDWR & IDA Programs

- A. IDWR and IDA will coordinate with DEQ on wellhead protection related assistance efforts to local governments or other entities.
- B. DEQ will notify IDWR and IDA of “recognized” wellhead protection plans and efforts within the state. IDWR and IDA will consider these plans and associated protection areas in the implementation of their respective programs. This includes being consistent with ordinances and other specific implementation efforts within existing legal authorities.

- C. IDWR and IDA will provide appropriate program and project specific information to assist DEQ wellhead protection implementation efforts associated with identifying and mapping potential sources of contamination. Also, DEQ will provide IDWR and IDA with available inventory information pertinent to implementation of their programs.
- D. The parties will disseminate relative ground water protection and contaminant prevention information to local wellhead protection coordinators and contacts through DEQ.

V. Pesticide State Management Plan

IDA will develop and implement the generic and specific SMPs with assistance from DEQ and IDWR. The SMP will be an interagency ground water protection mechanism involving all the parties to this agreement. DEQ and IDWR will assist with the development and implementation of the SMP as their resources allow. This approach recognizes that IDA and DEQ are both accountable to EPA, for this project, through their respective cooperative agreements with EPA.